### 2007 DRAFTING REQUEST

#### **Assembly Substitute Amendment (ASA-SB178)**

FE Sent For:

Received By: pkahler				
Identical to LRB:				
By/Representing: Carol Redell				
Drafter: pkahler				
Addl. Drafters:	dkennedy			
Extra Copies:				
gov				
Submitted	<u>Jacketed</u>	Required		
sbasford 02/28/2008	sbasford 02/28/2008			
	Identical to LRB: By/Representing: Drafter: pkahler Addl. Drafters: Extra Copies:  Submitted  Submitted	Identical to LRB:  By/Representing: Carol Redell  Drafter: pkahler  Addl. Drafters: dkennedy  Extra Copies:  Submitted Jacketed  sbasford sbasford		

<END>

#### 2007 DRAFTING REQUEST

#### **Assembly Substitute Amendment (ASA-SB178)**

Received: 02/28/2008 Wanted: Today				Received By: pkahler				
					Identical to LRB:  By/Representing: Carol Redell  Drafter: pkahler			
For: Scott Newcomer (608) 266-3007  This file may be shown to any legislator: NO								
May Conta	ct:				Addl. Drafters:	dkennedy		
Subject:		Assistance - med. n - miscellaneous	assist.	S. S	Extra Copies:			
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	<u>Drafted</u> pkahler	Reviewed 1	Typed	Proofed	Submitted /	<u>Jacketed</u>	Required	

FE Sent For:

#### STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

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# SUBSTITUTE AMENDMENT [TO A BILL]

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1	S A SUBSTITUTE AMENDMENT
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	ee section 4.02 (2) (br), Drafting Manual, for specific order of phrases.]
The people of enact as follows:	the state of Wisconsin, represented in senate and assembly, do lows:
SECTION #.	



#### State of Misconsin 2007 - 2008 LEGISLATURE

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# ASSEMBLY AMENDMENT, TO 2007 SENATE BILL 178

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At the locations indicated, amend the bill as follows:

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1. Page 1, line 4: after "disorders" insert ", requiring development and distribution of a brochure, requiring a treatment plan and referral when certain

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diagnoses are made, increasing funding for the Medical Assistance autism benefit,

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2. Page 2, line 9: after that line insert:

and making an appropriation

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SECTION 2m. 51.03 (7) of the statutes is created to read:

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describing the activities that a parent of a child with autism may engage in at home

51.03 (7) The department shall develop and periodically update a brochure

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with the child to complement the child's treatment or individualized education

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program, as defined in s. 115.76 (9). In developing the brochure, the department

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shall consult with teachers of special education, as defined in s. 115.76 (15); parents

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of autistic children; physicians; and representatives of organizations that advocate

for the interests of children with disabilities. The department shall distribute the brochure to local educational agencies, as defined in s. 115.76 (10), and physicians.

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3. Page 3, line 4: after that line insert:

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SECTION 5g. 146.85 of the statutes is created to read:

146.85 Treatment plan and referral required. (1) Except as provided under sub. (2), a health care provider, as defined in s. 146.81 (1), who diagnoses a patient with a condition, injury, or illness, other than alcoholism, drug dependency, mental illness, or developmental disability, shall provide the patient or, if the patient is a minor, the patient's parent, guardian, or legal custodian, with a treatment plan for the patient. For a condition, injury, or illness that requires further treatment or services, the health care provider shall provide the patient or, if the patient is a minor, the patient's parent, guardian, or legal custodian, with any necessary and appropriate referral for the treatment or services.

(2) A health care provider need not provide a treatment plan under sub. (1) for a condition, injury, or illness that may be successfully treated during the patient visit at which the diagnosis is made.".

177\_

4. Page 4, line 23: after that line insert:

18 Section Fiscal changes.

(1) Medical Assistance autism benefit. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2007, the dollar amount is increased by \$6,060,000 for fiscal year 2008–09 to increase funding for the autism benefit under the children's long-term care Medical Assistance waiver program, as described under 2003 Wisconsin Act 33, section 9124

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(8c), to provide autism services to children on the statewide waiting list for those 1 services under that program.". 2)5. Page 4, line 25: delete "This act" and substitute "The treatment of sections 40.51 (8) and (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1) 4 (intro.), 609.87, and 632.895 (15) of the statutes". 5 **6.** Page 5, line 18: delete lines 18 to 20 and substitute: 6 This act takes effect on the day after "Section 11c. Effective dates. 7 publication, except as follows: 8 (1) Insurance coverage of autism treatment. The treatment of sections 40.51 9 (8) and (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1) 10 (intro.), 609.87, and 632.895 (15) of the statutes and Section 10 of this act take effect 11 on the first day of the 7th month beginning after publication.". 12

(END)

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#### State of Misconsin 2007 - 2008 LEGISLATURE

LRBa1435/1 PJK&DAK:kjf&bjk:pg

### ASSEMBLY AMENDMENT, TO 2007 SENATE BILL 178



At the locations indicated, amend the bill as follows:

1. Page 1, line 4: after "disorders" insert ", requiring development and distribution of a brochure, requiring a treatment plan and referral when certain diagnoses are made, increasing funding for the Medical Assistance autism benefit, and making an appropriation".

2. Page 2, line 9: after that line insert:

"Section 2m. 51.03-(7) of the statutes is created to read:

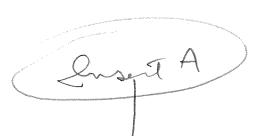
51.03 (7) The department shall develop and periodically update a brochure describing the activities that a parent of a child with autism may engage in at home with the child to complement the child's treatment or individualized education program, as defined in s. 115.76 (9). In developing the brochure, the department shall consult with teachers of special education, as defined in s. 115.76 (15); parents of autistic children; physicians; and representatives of organizations that advocate



#### State of Misconsin 2007 - 2008 LEGISLATURE

LRBs0314/1 PJK:kjf:jf

# ASSEMBLY SUBSTITUTÉ AMENDMENT, TO 2007 SENATE BILL 178



AN ACT relating to: increasing funding for the Medical Assistance autism

benefit.

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#### Analysis by the Legislative Reference Bureau

This substitute amendment increases a general purpose revenue appropriation to the Department of Health and Family Services (DHFS) by \$6,060,000 in fiscal year 2008–09 for the autism benefit under the Medical Assistance (MA) program. Under an MA waiver of federal law, DHFS provides in–home services to children who have been diagnosed with an autism spectrum disorder and who would not otherwise be eligible for MA benefits. The funding increase under this substitute amendment would be used to provide those services to children diagnosed with an autism spectrum disorder who are on the statewide waiting list for those services.

(Insert)

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# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Fiscal changes.

(1) MEDICAL ASSISTANCE AUTISM BENEFIT. In the schedule under section 20.005

(3) of the statutes for the appropriation to the department of health and family

treatment to cover outpatient services for the treatment of autism, Asperger's syndrome, and pervasive developmental disorder not otherwise specified (autism spectrum disorders). The coverage need not exceed \$7,000, or equivalent benefits measured in services rendered, in a policy year. The requirement specifically does not apply to limited-scope benefit plans, medicare replacement or supplement policies, or policies covering only hospital and surgical charges. The coverage may be subject to any limitations or exclusions or cost-sharing provisions that apply generally under the policy or plan. In addition, the substitute amendment prohibits any health care plan or self-insured governmental or school district health plan that excludes coverage for the treatment of autism spectrum disorders from denying coverage to an insured who has been diagnosed with an autism spectrum disorder for the treatment of another condition or complaint on the basis that the other condition or complaint may be, directly or indirectly, caused by or related to the insured's autism spectrum disorder.

Currently, under the laws relating to mental health, the Department of Health and Family Services (DHFS) may, within the limits of available state and federal funds, promote use by mental health and alcohol and other drug abuse services providers of individualized service planning, under which the providers develop written individualized service plans that promote treatment and recovery, together with service consumers and their families and advocates. The substitute amendment requires a provider who diagnoses a patient on an outpatient or voluntarily admitted inpatient basis as alcoholic, drug dependent, mentally ill, or developmentally disabled to participate in individualized service planning with the patient (or, if a minor, with the patient and his or her parent, guardian, or legal custodian). If the patient's condition requires further treatment, the provider must provide the patient (or, if a minor, the patient's parent, guardian, or legal custodian) with any necessary and appropriate referral for the treatment. The substitute amendment also requires a health care provider who diagnoses a patient with a condition, injury, or illness other than alcoholism, drug dependency, mental illness, or developmental disability, that requires further treatment, to provide the patient (or, if a minor, the patient's parent, guardian, or legal custodian) with a treatment plan and to provide any necessary and appropriate referral for further treatment or services.

Under current law, a physician, nurse, psychologist, social worker, administrator of a social agency, or teacher employed by a local educational agency (typically, a school district) who reasonably believes that a child has a disability must refer the child to the local educational agency. The local educational agency is responsible for evaluating the child and preparing an individualized education program for the child. At least annually, the local educational agency must inform all those who are required to make referrals (other than teachers) about the agency's referral and evaluation procedures.

This substitute amendment requires the local educational agency annually to notify teachers as well as the other listed professionals. The substitute amendment also directs the Department of Public Instruction (DPI) annually to notify each





person required to make referrals to the local educational agency of his or her

DHFS

responsibility to make such referrals. In addition, the substitute amendment directs Det to develop and periodically update a brochure describing the activities that a parent or guardian of a child with autism may engage in at home with the child to complement the child's treatment or individualized education program. Program must distribute the brochure to local educational agencies and physicians.

The substitute amendment increases by \$8,000,000 an appropriation to DHFS for the autism benefit under the children's long-term care Medical Assistance waiver

program.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 40.51 (8) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

40.51 (8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.855, 632.858, 632.87 (3) to (5) (6), 632.895 (5m) and (8) to (15) (16), and 632.896.

SECTION 2. 40.51 (8m) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

40.51 (8m) Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, 632.746(1) to (8) and (10), 632.747, $632.748, 632.83, 632.835, 632.85, 632.853, 632.855, \underline{632.858},$ and 632.895 (11) to  $\overline{(15)}$ (16).

SECTION 3. 51.075 of the statutes is created to read:

51.075 Individualized service plan and referral required. A provider of treatment or services under this chapter who, on an outpatient basis or for an adult voluntarily admitted under s. 51.10 or 51.45 or a minor admitted under s. 51.13, diagnoses a patient as alcoholic, drug dependent, mentally ill, or developmentally

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DRAFTER'S NOTE

FROM THE

LEGISLATIVE REFERENCE BUREAU

February 28, 2008

T skt

LRBa1435/1dn

PJK:kjf:pg

It may be argued that, because this amendment relates to a different subject and is intended to accomplish a different purpose than that of SB 178, totally alters the nature of SB 178, and substantially expands the scope of SB 178, this amendment is nongermane under Assembly Rule 54 (1) and (3) (f).

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.wisconsin.gov

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBs0315/1dn PJK:kjf:rs

February 28, 2008

It may be argued that, because this substitute amendment relates to a different subject and is intended to accomplish a different purpose than that of SB 178, totally alters the nature of SB 178, and substantially expands the scope of SB 178, this substitute amendment is nongermane under Assembly Rule 54 (1) and (3) (f).

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